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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,327	12/12/2006	Georg Zepf	30071/42016	5710
4743 7590 12/09/2009 MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606-6357			EXAMINER CUMBESS, YOLANDA R	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 12/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,327

Applicant(s)

ZEPF, GEORG

Examiner

YOLANDA CUMBESS

Art Unit

3651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 11/19/2009

DETAILED ACTION

Response to Arguments

Applicant has submitted new claims 24-32 including amended limitations in the claims. Accordingly, applicant's arguments with respect to claims 24-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-25, 28, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Stocchi (US PG. Pub 2003/0075547). Relative to claims 24-25, 28, and 31, Stocchi discloses an apparatus support structure (10)(Fig. 1) for container handling machines, comprising: entry and exit stars (14)(Fig. 1), each entry and exit star being arranged on a support housing (26)(Fig. 1) and drivable via at least one drive from the inside of the support housing (Fig. 1-2)(Page 2, Para. 0037, lines 1-5), a star configuration of the apparatus support structure being defined by the relative positioning of the entry and exit stars (14), the support housings (26) being within the star configuration and fixed above a floor plane (see plane of A1, where apparatus stands on floor) and beneath a transport plane in the apparatus support structure which stands on the floor, the apparatus support structure being one of a pipe or profile frame

(apparatus is a profile frame) with sections (see bottom and top sections each comprising several feet, Ref. 12) and substantially horizontal and defining a fixation plane (see sections near Ref. 10, Fig. 1), the sections of the profile frame being one of stainless steel pipes or round solid profiled parts (Fig. 1)(Page. 2, Para. 0039), the sections of the profile frame being profiled parts whose bottoms are open (the bottom of frame of 14, is open, see opening beneath Ref. 18, and A1), and whose surfaces pointing away from the floor plane are one of curved or flat and slanted towards (surface of Ref. 20) of the floor plane, each section presenting at least one joining end (see joining members between Ref. 12) which fits with a connection interface of one of a support housing (26) or of a floor foot (12), the sections being connected to each other at nodes by one of directly or via a support housing (26) or a floor foot located at a node (see connection point of Ref. 12 and 10; Fig. 1), on the floor feet (12) the support housings (26) stand freely with the sections arranged in such a manner that open areas are formed between sections around the support housings (26)(see open areas beneath Ref. 18 and around Ref. 12)(Fig. 2), and at least some sections can be combined with each other (Fig. 2) and with support housings (26) whereby the start configuration is changeable as desired (the template can have other locations or functional elements; Para. 0051) (Page 2, Para. 0034, 0054); in addition to entry and exit stars (14), at least one additional container handling component comprising one of a closing device (22), an inspection device, or a labeling machine, is fixed at a node of the pipe or profile frame; individual sections in the pipe or the profile frame present blunt impact or mitered

impact joining ends (See Fig. 2); a respective drive accommodated in one of the support housings is connected to drive strands placed in sections of the pipe or the profile frame

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-27, 29-30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocchi in view of Petri et al (US Patent No. 6,058,985). Relative to claims 26-27, 29-30, and 32, Stocchi discloses all claim limitations, including: a splash removing device is fixed on a section and/or in the vicinity of a node of the pipe or profile frame (40)(Page. 3, Para. 0058); at least one additional container handling component comprising one of a conveyor or entry and exit stars (14) that are arranged inside of the external circumference of the apparatus support structure (26) as defined by sections of the pipe or the profile frame which sections are located at outer sides of the apparatus support structure (see multiple sections in Fig. 2, all of which are located outside of Ref. 26)(Fig 2).

Stocchi does not expressly disclose: an additional container handling component; at least some stars have individual drives accommodated in their support housings, the respective drive being one of an electrical servo motor or an electrical direct drive

motors, and wherein control and supply strands leading to the individual drive are arranged in sections of the pipe or the profile frame; beneath the fixation plane of the pipe or the profile frame, on the bottom sides of the support housings, one of sprocket wheels, toothed wheels or belt toothed wheels are arranged and are connected via drive devices with a central drive system; each support housing has a narrow upper part, tapering upwardly, and a broadened foot part, and is mounted with a foot part on a bottom support housing, located at the node of the pipe or profile frame, the bottom support housing having at least two section connecting interfaces, which are offset about an axis of the bottom support housing.

Petri teaches an additional container handling component (4)(Fig. 1)(108)(Fig. 4); at least some stars have individual drives (150, 160) accommodated in their support housings (the drive of 150, and 160, etc are individual) (Col. 2, lines 46-65), the respective drive (150, 160) being one of an electrical servo motor or an electrical direct drive motors (Col. 3, lines, 43-46), and wherein control and supply strands leading to the individual drive (150, 160) are arranged in sections of the pipe or the profile frame (Col. 3, lines 43-46); beneath the fixation plane of the pipe or the profile frame (see plane of bottom of Ref. 6 and 9 above floor), on the bottom sides of the support housings (8, 9), one of sprocket wheels, toothed wheels or belt toothed wheels are arranged and are connected via drive devices with a central drive system (Col. 2, lines 59-62; drive device can comprise gear wheels (toothed) that mesh with each other or similar mechanisms); each support housing (6, 9)(Fig. 1A-2A) has a narrow upper part, tapering upwardly, and a broadened foot part (support housing (6, 9) is narrow at top

and broad at the bottom), and is mounted with a foot part (120) on a bottom support housing (6, 9), located at the node of the pipe or profile frame, the bottom support housing (6, 9) having at least two section connecting interfaces, which are offset about an axis of the bottom support housing (Ref. 8, Col. 2, lines 63-65)(Fig. 1) for the purpose of providing a bottle handling apparatus with an improved setup structure that is hygienic, minimizes the collection of dirt, and is also easy to clean (Col. 1, lines 39-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Stocchi with the additional container handling component, individual drives in the support housing, drive wheels, and drive strands mentioned above, as taught in Petri for the purpose of providing a bottle handling apparatus with an improved setup structure that is hygienic, minimizes the collection of dirt, and is also easy to clean (Col. 1, lines 39-44).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
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/YOLANDA CUMBESS/
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